IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8354 OF 2007

Sou.Madhuri Avinash Mehetre
and Anr. .. Petitioners

Versus

Mangarpatta Township & Development & Construction Co. & Ors. .. Respondents

Mr.J.Shekhar i/b. J.Shekhar & Co. for petitioners
Ms.Gauri Godse for respondent No.1

CORAM : S.C.DHARMADHIKARI, J.
DATE : 17th December 2007

P.C.

. This petition is directed against an order passed on 28th August 2007 by the lower

appellate court in Misc.Civil Appeal No.15 of 2007 dismissing the same.

2. The lower appellate court has upon perusal of the material which was before the trial court concurred with it and rejected the request of the petitioner for temporary injunction as prayed. In paras 13 and 14 of the lower appellate court’s order, it has rightly relied upon the aspect of delay and latches. The construction has progressed to such an extent that about 14 buildings have already been constructed. There are 466 flats therein. Some rights have been created in favour of third parties. In such circumstances, there is neither any perversity nor error apparent disclosed so as to warrant interference under Article 227 of the Constitution. Petition dismissed.

(S.C.Dharmadhikari, J)